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**FACSIMILE  
TRANSMISSION****EMERSON & SKERIOTIS**  
One Cascade Plaza, Fourteenth Floor  
Akron, OH 44308  
Phone: 330-535-9999  
Fax: 330-535-5000

**To:** Examiner Marian E. Day  
**From:** Daniel A. Thomson  
**Fax:** 703-746-6597  
**Pages:** 9, including cover sheet  
**Our Ref.:** 0267.1633  
**Date:** July 29, 2002

**RE: U.S. Continuation (Reissue) Patent Appln. for: VARIABLE SPEED MECHANISM AND METHOD FOR CONTROLLING THE SPEED OF AN ASSOCIATED LAWN MOWING APPARATUS**

Dear Examiner Day,

Per your telephone call to our office on July 29, 2002, you indicated that the "Supplemental Reissue Application Declaration by the Assignee" was not acceptable as the declaration for the above-referenced matter. Therefore, we are enclosing a copy of the original declaration signed by the inventor for U.S. Utility Patent Application: VARIABLE SPEED MECHANISM AND METHOD FOR CONTROLLING THE SPEED OF AN ASSOCIATED LAWN MOWING APPARATUS, Serial No. 08/708,373, for the above-listed patent application.

Please feel free to call if you have any further questions or would like to discuss this case further.

Very Truly Yours,

**EMERSON & SKERIOTIS**

  
Daniel A. Thomson

DAT:slp

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## PATENT

Attorney's Docket No. MTD 2 043

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COMBINED DECLARATION AND POWER OF ATTORNEY  
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,  
DIVISIONAL, CONTINUATION OR CIP)

=====

As a below named inventor, I hereby declare that:

## TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

☒ original☐ design☐ supplemental

[NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.]

☐ national stage of PCT

[NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.]

☐ divisional

**Reissue Application Declaration By the Assignee**

I hereby declare that:

My residence, post office address, and citizenship are stated below next to my name. I am authorized to act on behalf of the following company: MTD Products Inc and the title of my position with said company is: Vice President of Product Development and Engineering.

The entire title to the patent identified below is vested in said company, as shown in the Assignment document at Reel 8263, Frame 0374. Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application arose without any deceptive intention on the part of the applicant.

Name of Patentee(s): Michael Kamm  
Patent Number: 5,803,847  
Date Patent Issued: September 8, 1998

**Title of Invention: A Variable Speed Mechanism and Method for Controlling the Speed of an Associated Lawn Apparatus**

I believe said patentee(s) to be the original, first and sole or joint inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled: A Variable Speed Mechanism and Method for Controlling the Speed of an Associated Lawn Apparatus the specification of which

X is attached hereto.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

\_\_\_\_\_ by reason of a defective specification or drawing.

X \_\_\_\_\_ by reason of the patentee claiming more or less than he had the right to claim in the patent.

\_\_\_\_\_ by reason of other errors.

At least one error upon which reissue is based is described as follows:

In light of Jones et al, the issued claims may be broader than the patentee has a right to.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

I hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Name(s)	Registration Number
Roger D. Emerson	33,169

Please send all correspondence to:

Daniel A. Thomson  
One Cascade Plaza  
Fourteenth Floor  
Akron, Ohio 44308  
USA

Telephone: (330) 535-9999

Facsimile: (330) 535-5000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

*Nick J. Cashier*

Nick Cashier, Vice President of Product Development and Engineering

1500 SURREY DOWN

NOVELTY, CH 44072

Residence Address

USA

Citizenship

Post Office Address

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\_\_\_\_ continuation

\_\_\_\_ continuation-in-part (CIP)

### INVENTORSHIP IDENTIFICATION

[WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.]

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor or an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### TITLE OF INVENTION

A VARIABLE SPEED MECHANISM AND METHOD FOR CONTROLLING THE SPEED OF AN ASSOCIATED VEHICLE

### SPECIFICATION IDENTIFICATION

The specification of which: (complete (a), (b) or (c)

(a)   X   is attached hereto.

(b) \_\_\_\_\_ was filed on \_\_\_\_\_ as \_\_\_\_\_ Serial No. 0 / \_\_\_\_\_

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or \_\_\_\_\_ Express Mail No., as Serial No. not yet known \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

(c) \_\_\_\_\_ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

[NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.]

#### ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations. § 1.56(a).

\_\_\_\_\_ In compliance with this duty there is attached an information disclosure statement, 37 CFR 1.97.

**PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d)   X   no such applications have been filed.

(e)        such applications have been filed as follows.

[NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.]

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**



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COUNTRY	APPLICATION No.	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

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POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Roger D. Emerson  
Reg. No. 33,169

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(check the following item, if applicable)

\_\_\_\_ Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

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## SEND CORRESPONDENCE TO

Roger D. Emerson  
4421 Ranchwood Spur  
Akron, OH 44333-1343

## DIRECT TELEPHONE CALLS TO:

Roger D. Emerson  
(330) 535-9999

## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

Full name of sole or first inventor: Michael Kamm

Inventor's signature Michael Kamm

Date 9/4/96 Country of Citizenship: USA

Residence: 1503 JAEGER DRIVE LYNDBURST OHIO 44124

Post Office Address: 1503 JAEGER DRIVE LYNDBURST OHIO 44124

Full name of second joint inventor, if any \_\_\_\_\_

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_

8

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH  
FORM A PART OF THIS DECLARATION

\_\_\_\_ Signature for third and subsequent joint inventors. Number  
of pages added \_\_\_\_\_

\_\_\_\_ Signature by administrator (trix), executor (trix) or legal  
representative for deceased or incapacitated inventor. Number  
of pages added \_\_\_\_\_

\_\_\_\_ Signature for inventor who refuses to sign or cannot be  
reached by person authorized under 37 CFR 1.47. Number of pages  
added \_\_\_\_\_

\*\*\*

\_\_\_\_ Added pages to combined declaration and power of attorney  
for divisional, continuation, or continuation-in-part (CIP)  
application.

\_\_\_\_ Number of pages added \_\_\_\_\_

\*\*\*

\_\_\_\_ Authorization of attorney(s) to accept and follow  
instructions from representative

\*\*\*

If no further pages form a part of this Declaration then end this  
Declaration with this page and check the following item  
\_\_\_\_X\_\_\_\_ This declaration ends with this page

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